

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BIGBAND NETWORKS, INC.,)	
)	
Plaintiff and Counterclaim Defendant,)	
)	Civil Action No. 1:07-cv-00351 JJF
v.)	
)	
IMAGINE COMMUNICATIONS, INC.,)	JURY TRIAL DEMANDED
)	
Defendant and Counterclaim Plaintiff.)	
)	
)	

**DECLARATION OF MARY B. MATTERER IN SUPPORT OF REPLY
MEMORANDUM IN SUPPORT OF
IMAGINE COMMUNICATIONS' MOTION TO LIMIT CLAIMS**

MARY B. MATTERER (I.D. No. 2696)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
Telephone: 302-888-6800
Email: mmatterer@morrisjames.com

OF COUNSEL:


JOHN M. BENASSI (Cal. Bar No. 74137)
ALEXANDER BRAINERD (Cal. Bar No. 42722)
HELLER EHRMAN LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122-1246
Telephone: 858-450-8400
Facsimile: 858-450-8499
Email : john.benassi@hellerehrman.com

Attorneys for Defendant and Counterclaim Plaintiff
IMAGINE COMMUNICATIONS, INC.

Dated: May 30, 2008

I, MARY B. MATTERER, declare and state that:

1. I am a partner at the law firm of Morris James LLP, counsel to Defendant Imagine Communications, Inc.
2. Attached hereto as Exhibit 5 is a true and correct copy of a Letter from Sara Petersen Graves to Matthew Lapple dated May 27, 2008.
3. I declare under penalty of perjury under the laws of the State of Delaware that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on this 30th day of May 2008 at Wilmington, Delaware.

By: 
MARY B. MATTERER (I.D. No. 2696)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
Telephone: 302-888-6800
Email: mmatterer@morrisjames.com

OF COUNSEL:

JOHN M. BENASSI (Cal. Bar No. 74137)
ALEXANDER BRAINERD (Cal. Bar No. 42722)
HELLER EHRMAN LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122-1246
Telephone: 858-450-8400
Facsimile: 858-450-8499
Email : john.benassi@hellerehrman.com

Attorneys for Defendant and Counterclaim Plaintiff
IMAGINE COMMUNICATIONS, INC.

EXHIBIT 5

Sara Petersen Graves
Direct Dial: +1.650.463.2674
sara.graves@lw.com

140 Scott Drive
Menlo Park, California 94025
Tel: +650.328.4600 Fax: +650.463.2600
www.lw.com

LATHAM & WATKINS LLP

FIRM / AFFILIATE OFFICES
Barcelona New Jersey
Brussels New York
Chicago Northern Virginia
Frankfurt Orange County
Hamburg Paris
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VIA EMAIL

May 27, 2008

Matthew Lapple
HELLER EHRMAN LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122-1246

Re: BigBand Networks, Inc. v. Imagine Communications, Inc.
C.A. No. 07-351 (JJF) (D. Del.)

Dear Matthew:

I write in response to your letter of May 16, 2008, to let you know that BigBand will produce another approximately 200,000 pages of documents in two installments next week. These documents generally relate to the development and testing of BigBand's technologies, its internal business documents, competitive analyses and marketing materials, among other things.

Please feel free to contact us if you have any questions upon receiving this production.

Truly Yours,



Sara Petersen Graves
of LATHAM & WATKINS LLP